

FORM NLRB-501

FORM EXEMPT UNDER 44 U.S.C. 3512

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
**CHARGE AGAINST EMPLOYER**

DO NOT WRITE IN THIS SPACE

Case

9-CA-111670

Date Filed

August 20, 2013

**INSTRUCTIONS**

File an original and 4 copies of this charge with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

## 1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer

KES ACQUISITION COMPANY

b. Number of workers employed  
117

c. Address (street, city, state, ZIP code)

2704 South Big Run Rd. Ashland Ky. 41105-2119

d. Employer Representative

John H. Scheel and Don Keffer

e. Telephone and Fax Nos.

606-928-1272 fax-606-928-1261

f. Type of Establishment (factory, mine, wholesaler, etc.)  
Steel Millg. Identify principal product or service  
Flat Bar Products

h. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (5) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices).

Since on or about 8/1/2013, the Employer has engaged in bad faith bargaining when it unilaterally altered health care benefit design changes without the consent of the Union.

By the above and other acts, the above-named employer has interfered with, restrained, and coerced employees in the exercise of the rights guaranteed in Section 7 of the Act.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL-CIO-CLC, Local 7054

4a. Address (street and number, city, state and ZIP code)  
12452 Paul Coffee Blv. Ashland Ky. 41102

4b. Telephone and Fax Nos.  
606-928-5359 fax 606-928-2430

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL-CIO-CLC

## 6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

(b) (6), (b) (7)(C)

By (b) (6), (b) (7)(C)

Title: (b) (6), (b) (7)(C)

Address

(b) (6), (b) (7)(C)

Telephone No.

(b) (6), (b) (7)(C)

Date

18, Dec. 13

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT  
(U.S. CODE, TITLE 18, SECTION 1001)



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 9  
550 MAIN ST  
RM 3003  
CINCINNATI, OH 45202-3271

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (513)684-3686  
Fax: (513)684-3946

August 21, 2013

JOHN H. SCHEEL  
KES ACQUISITION COMPANY  
2704 SOUTH BIG RUN ROAD  
ASHLAND, KY 41105-2119

Re: KES ACQUISITION COMPANY  
Case 09-CA-111670

Dear Mr. Scheel:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge is being investigated by Attorney JONATHAN DUFFEY whose telephone number is (513)684-3633. If this Board agent is not available, you may contact Supervisory Examiner DAVID MORGAN whose telephone number is (513)684-3643.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, [www.nlrb.gov](http://www.nlrb.gov), or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

**Presentation of Your Evidence:** We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be

considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

**Procedures:** We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website, [www.nlr.gov](http://www.nlr.gov). However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, [www.nlr.gov](http://www.nlr.gov) or from an NLRB office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink that reads "Gary W. Muffley". The signature is written in a cursive, flowing style.

GARY W. MUFFLEY  
Regional Director

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 9  
550 MAIN ST  
RM 3003  
CINCINNATI, OH 45202-3271

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (513)684-3686  
Fax: (513)684-3946

August 21, 2013

(b) (6), (b) (7)(C)

UNITED STEEL, PAPER AND FORESTRY, RUBBER, MANUFACTURING,  
ENERGY, ALLIED INDUSTRIAL AND SERVICE WORKERS INTERNATIONAL  
UNION, AFL-CIO-CLC, LOCAL 7054  
12452 PAUL COFFEE BOULEVARD  
ASHLAND, KY 41102

Re: KES ACQUISITION COMPANY  
Case 09-CA-111670

Dear (b) (6), (b) (7)(C):

The charge that you filed in this case on August 20, 2013 has been docketed as case number 09-CA-111670. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge is being investigated by Attorney JONATHAN DUFFEY whose telephone number is (513)684-3633. If the Board agent is not available, you may contact Supervisory Examiner DAVID MORGAN whose telephone number is (513)684-3643.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, [www.nlrb.gov](http://www.nlrb.gov), or at the Regional office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

**Your Evidence:** As the party who filed the charge in this case, it is your responsibility to promptly provide evidence in this matter. Enclosed is a questionnaire concerning your charge. Please answer each of the questions as completely as possible. If adequate space is not provided, you may attach additional pages. Please remember to enclose documents requested in the questionnaire. If you have any questions about the questionnaire or how to fill it out, please immediately contact the Board agent assigned to investigate your case.

Because your prompt cooperation in this investigation is required, you must return the completed questionnaire and your supporting documents no later than August 28, 2013. Absent very good reasons for not returning the questionnaire and documents by that date, your charge is subject to dismissal for lack of cooperation.

After receiving your questionnaire, the Board agent may contact you about providing a sworn affidavit or additional documents or witnesses.

**Procedures:** We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website [www.nlr.gov](http://www.nlr.gov). However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website [www.nlr.gov](http://www.nlr.gov) or from the Regional Office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

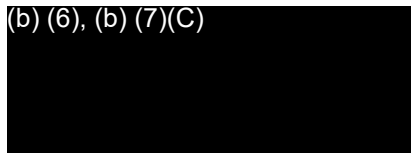
Very truly yours,



GARY W. MUFFLEY  
Regional Director

cc:

(b) (6), (b) (7)(C)





UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 9  
550 MAIN ST  
RM 3003  
CINCINNATI, OH 45202-3271

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (513)684-3686  
Fax: (513)684-3946

October 22, 2013

DONALD KEFFER  
3325 BABSON COURT  
FRANKLIN, OH 45005

Re: KES ACQUISITION COMPANY  
Case 09-CA-111670

Dear Mr. Keffer:

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

/s/ Gary W. Muffley

Gary W. Muffley  
Regional Director

cc: JOHN H. SCHEEL  
KES ACQUISITION COMPANY  
2704 SOUTH BIG RUN ROAD  
ASHLAND, KY 41105-2119

(b) (6), (b) (7)(C)

UNITED STEEL, PAPER AND FORESTRY,  
RUBBER, MANUFACTURING, ENERGY,  
ALLIED INDUSTRIAL AND SERVICE  
WORKERS INTERNATIONAL UNION,  
AFL-CIO-CLC, LOCAL 7054  
12452 PAUL COFFEE BOULEVARD  
ASHLAND, KY 41102

(b) (6), (b) (7)(C)

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
**CHARGE AGAINST EMPLOYER**

**INSTRUCTIONS:**

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
9-CA-129146	May 21, 2014

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring.

**1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT**

a. Name of Employer <b>KES ACQUISITION COMPANY</b>		b. Tel. No. <b>(606)929-1200</b>
		c. Cell No.
d. Address (street, city, state ZIP code) <b>P.O. Box 2119 Ashland, KY 41105-2119</b>	e. Employer Representative <b>John Scheel Chief Executive Officer</b>	f. Fax No.
		g. e-Mail
		h. Dispute Location (City and State) <b>ASHLAND, KY</b>
i. Type of Establishment (factory, nursing home, hotel) <b>Steel Mill</b>	j. Principal Product or Service <b>Flat and Round Bar Steel</b>	k. Number of workers at dispute location <b>135</b>

1. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

Within the last 6 months the above-named Employer has failed and refused to hire (b) (6), (b) (7)(C) because (b) (6) filed an unfair labor practice Charge Against the Employer in the past.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

(b) (6), (b) (7)(C)

4a. Address (street and number, city, state, and ZIP code)

(b) (6), (b) (7)(C)

4b. Tel. No.

(b) (6), (b) (7)(C)

4c. Cell No.

(b) (6), (b) (7)(C)

4d. Fax No.

4e. e-Mail

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

**6. DECLARATION**

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief

Tel. No.

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

An Individual

Office, if any, Cell No.

(b) (6), (b) (7)(C)

(signature or representative or person making charge)

Print Name and Title

Fax No.

Address: (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Date:

5-17-14

e-Mail

**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)**

**PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 9  
550 MAIN ST  
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Telephone: (513)684-3686  
Fax: (513)684-3946



Download  
NLRB  
Mobile App

May 22, 2014

JOHN H. SCHEEL, CHIEF EXECUTIVE OFFICER  
KES ACQUISITION COMPANY  
P.O. BOX 2119  
ASHLAND, KY 41105-2119

Re: KES ACQUISITION COMPANY  
Case 09-CA-129146

Dear Mr. Scheel:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge is being investigated by Field Examiner RACHEL K. KURTZLEBEN whose telephone number is (513)684-3642. If this Board agent is not available, you may contact Supervisory Examiner DAVID MORGAN whose telephone number is (513)684-3643.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, [www.nlrb.gov](http://www.nlrb.gov), or from an NLRB office upon your request.

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**Presentation of Your Evidence:** We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent.



May 22, 2014

Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

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We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, reading "Gary W. Muffley". The signature is written in a cursive, flowing style.

GARY W. MUFFLEY  
Regional Director

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 9  
550 MAIN ST  
RM 3003  
CINCINNATI, OH 45202-3271

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (513)684-3686  
Fax: (513)684-3946

May 22, 2014

(b) (6), (b) (7)(C)

Re: KES ACQUISITION COMPANY  
Case 09-CA-129146

Dear (b) (6), (b) (7)(C):

The charge that you filed in this case on May 21, 2014 has been docketed as case number 09-CA-129146. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge is being investigated by Field Examiner RACHEL K. KURTZLEBEN whose telephone number is (513)684-3642. If the Board agent is not available, you may contact Supervisory Examiner DAVID MORGAN whose telephone number is (513)684-3643.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, [www.nlrb.gov](http://www.nlrb.gov), or at the Regional office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

**Presentation of Your Evidence:** As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

**Procedures:** We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing)

through our website [www.nlr.gov](http://www.nlr.gov). However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website [www.nlr.gov](http://www.nlr.gov) or from the Regional Office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink that reads "Gary W. Muffley". The signature is written in a cursive, flowing style.

GARY W. MUFFLEY  
Regional Director

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

KENTUCKY ELECTRIC STEEL

and

(b) (6), (b) (7)(C)

CASE 9-CA-129146

☒ REGIONAL DIRECTOR

☐ EXECUTIVE SECRETARY  
NATIONAL LABOR RELATIONS BOARD  
Washington, DC 20570

☐ GENERAL COUNSEL  
NATIONAL LABOR RELATIONS BOARD  
Washington, DC 20570

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF

KENTUCKY ELECTRIC STEEL

IN THE ABOVE-CAPTIONED MATTER.

CHECK THE APPROPRIATE BOX(ES) BELOW:

☐ REPRESENTATIVE IS AN ATTORNEY

☐ IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE THAT THE PARTY MAY RECEIVE COPIES OF CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN ADDITION TO THOSE DESCRIBED BELOW, THIS BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY WILL RECEIVE ONLY COPIES OF CERTAIN DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENTS AS DESCRIBED IN SEC. 11842.3 OF THE CASEHANDLING MANUAL.

(REPRESENTATIVE INFORMATION)

NAME: DONALD A KEFFER

MAILING ADDRESS: 3325 BABSON CT  
FRANKLIN, OH 45005

E-MAIL ADDRESS: KEFFED00@AOL.COM

OFFICE TELEPHONE NUMBER: 513 423-0636

CELL PHONE NUMBER: 937-681-2485 FAX:

SIGNATURE: \_\_\_\_\_  
(Please sign in ink.)

DATE: \_\_\_\_\_

<sup>1</sup> IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD**FIRST AMENDED CHARGE AGAINST EMPLOYER****INSTRUCTIONS:**

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
09-CA-129146	June 18, 2014

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring.

**1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT**

a. Name of Employer <b>Kes Acquisition Company</b>		b. Tel. No. <b>(606)929-1200</b>
		c. Cell No.
d. Address (street, city, state ZIP code) <b>P.O. Box 2119 Ashland, KY 41105-2119</b>	e. Employer Representative <b>John H. Scheel Chief Executive Officer</b>	f. Fax No.
		g. e-Mail
		h. Dispute Location (City and State) <b>Ashland, KY</b>
i. Type of Establishment (factory, nursing home, hotel) <b>steel mill</b>	j. Principal Product or Service <b>flat and round bar steel</b>	k. Number of workers at dispute location <b>135</b>

I. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (4) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

**2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)**

Within the last 6 months, the above-named Employer has failed and refused to hire (b) (6), (b) (7)(C) because (b) (6), (b) (7)(C) filed an unfair labor practice Charging Against Employer in the past.

**3. Full name of party filing charge (if labor organization, give full name, including local name and number)**

(b) (6), (b) (7)(C)

**4a. Address (street and number, city, state, and ZIP code)**

(b) (6), (b) (7)(C)

**4b. Tel. No.**

(b) (6), (b) (7)(C)

**4c. Cell No.**

(b) (6), (b) (7)(C)

**4d. Fax No.****4e. e-Mail****5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)****6. DECLARATION**

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

By (b) (6), (b) (7)(C)

(signature or representative or person making charge)

Address: (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Print Name and Title

Date:

6-16-2014

**Tel. No.**

(b) (6), (b) (7)(C)

**Office, if any, Cell No.**

(b) (6), (b) (7)(C)

**Fax No.****e-Mail****WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)****PRIVACY ACT STATEMENT**

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UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

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CINCINNATI, OH 45202-3271

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (513)684-3686  
Fax: (513)684-3946

June 19, 2014

John H. Scheel, Chief Executive Officer  
Kes Acquisition Company  
P.O. Box 2119  
Ashland, KY 41105-2119

Re: KES ACQUISITION COMPANY  
Case 09-CA-129146

Dear Mr. Scheel:

Enclosed is a copy of the first amended charge that has been filed in this case.

**Investigator:** This charge is being investigated by Field Examiner RACHEL K. KURTZLEBEN whose telephone number is (513)684-3642. If the agent is not available, you may contact Supervisory Attorney ERIC V. OLIVER whose telephone number is (513)684-3669.

**Presentation of Your Evidence:** As you know, we seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations in the first amended charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

**Procedures:** Your right to representation, the means of presenting evidence, and a description of our procedures, including how to submit documents, was described in the letter sent to you with the original charge in this matter. If you have any questions, please contact the Board agent.

Very truly yours,

GARY W. MUFFLEY  
Regional Director

Enclosure: Copy of first amended charge

cc: Donald A. Keffer, Consultant  
3325 Babson Ct  
Franklin, OH 45005-9678



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 9  
550 MAIN ST  
RM 3003  
CINCINNATI, OH 45202-3271

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (513)684-3686  
Fax: (513)684-3946

June 19, 2014

(b) (6), (b) (7)(C)

Re: KES ACQUISITION COMPANY  
Case 09-CA-129146

Dear (b) (6), (b) (7)(C)

We have docketed the first amended charge that you filed in this case.

**Investigator:** This charge is being investigated by Field Examiner RACHEL K. KURTZLEBEN whose telephone number is (513)684-3642. If the agent is not available, you may contact Supervisory Attorney ERIC V. OLIVER whose telephone number is (513)684-3669.

**Presentation of Your Evidence:** As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. If you have additional evidence regarding the allegations in the first amended charge and you have not yet scheduled a date and time for the Board agent to obtain that evidence, please contact the Board agent to arrange to present that evidence. If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed.

**Procedures:** Your right to representation, the means of presenting evidence, and a description of our procedures, including how to submit documents, was described in the letter sent to you with the original charge in this matter. If you have any questions, please contact the Board agent.

Very truly yours,

GARY W. MUFFLEY  
Regional Director



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 9  
550 MAIN ST  
RM 3003  
CINCINNATI, OH 45202-3271

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (513)684-3686  
Fax: (513)684-3946

July 31, 2014

(b) (6), (b) (7)(C)

Re: KES ACQUISITION COMPANY  
Case 09-CA-129146

Dear (b) (6), (b) (7)(C):

We have carefully investigated and considered your charge that Kes Acquisition Company has violated the National Labor Relations Act.

**Decision to Dismiss:** Based on that investigation, I have decided to dismiss your charge because there is insufficient evidence to establish a violation of the Act.

**Your Right to Appeal:** You may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals. If you appeal, you may use the enclosed Appeal Form, which is also available at [www.nlrb.gov](http://www.nlrb.gov). However, you are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect.

**Means of Filing:** An appeal may be filed electronically, by mail, by delivery service, or hand-delivered. Filing an appeal electronically is preferred but not required. The appeal MAY NOT be filed by fax or email. To file an appeal electronically, go to the Agency's website at [www.nlrb.gov](http://www.nlrb.gov), click on **E-File Documents**, enter the **NLRB Case Number**, and follow the detailed instructions. To file an appeal by mail or delivery service, address the appeal to the **General Counsel at the National Labor Relations Board, Attn: Office of Appeals, 1099 14th Street, N.W., Washington D.C. 20570-0001**. Unless filed electronically, a copy of the appeal should also be sent to me.

**Appeal Due Date:** The appeal is due on **August 14, 2014**. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed **no later than 11:59 p.m. Eastern Time** on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than August 13, 2014. **If an appeal is postmarked or given to a delivery service on the due date, it will be rejected as untimely.** If hand delivered, an appeal must be received by the General Counsel in Washington D.C. by 5:00 p.m. Eastern Time on the appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

**Extension of Time to File Appeal:** The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an



extension of time is **received on or before August 14, 2014**. The request may be filed electronically through the *E-File Documents* link on our website [www.nlr.gov](http://www.nlr.gov), by fax to (202)273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after August 14, 2014, **even if it is postmarked or given to the delivery service before the due date**. Unless filed electronically, a copy of the extension of time should also be sent to me.

**Confidentiality:** We will not honor any claim of confidentiality or privilege or any limitations on our use of appeal statements or supporting evidence beyond those prescribed by the Federal Records Act and the Freedom of Information Act (FOIA). Thus, we may disclose an appeal statement to a party upon request during the processing of the appeal. If the appeal is successful, any statement or material submitted with the appeal may be introduced as evidence at a hearing before an administrative law judge. Because the Federal Records Act requires us to keep copies of case handling documents for some years after a case closes, we may be required by the FOIA to disclose those documents absent an applicable exemption such as those that protect confidential sources, commercial/financial information, or personal privacy interests.

Very truly yours,

/s/ Gary W. Muffley

Gary W. Muffley  
Regional Director

Enclosure

cc: JOHN H. SCHEEL  
CHIEF EXECUTIVE OFFICER  
KES ACQUISITION COMPANY  
P.O. BOX 2119  
ASHLAND, KY 41105-2119

DONALD A. KEFFER, CONSULTANT  
3325 BABSON CT  
FRANKLIN, OH 45005-9678



UNITED STATES GOVERNMENT  
**NATIONAL LABOR RELATIONS BOARD**  
OFFICE OF THE GENERAL COUNSEL  
Washington, D.C. 20570

October 23, 2014

(b) (6), (b) (7)(C)

Re: KES Acquisition Company  
Case 09-CA-129146

Dear (b) (6), (b) (7)(C):

This office has carefully considered the appeal from the Regional Director's refusal to issue complaint. We agree with the Regional Director's decision and deny the appeal. Your charge alleges that KES Acquisitions Company (Employer) violated Section 8(a)(4) of the National Labor Relations Act, by failing to hire you because you had filed previous unfair labor practice charges against that Employer. The evidence in its entirety, however, did not support such a finding.

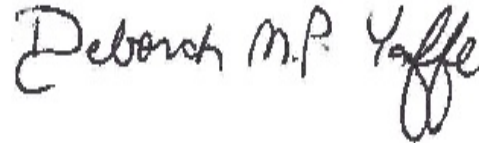
The Regional Office investigation disclosed that in 2005 the Employer was hiring exclusively for labor pool positions. The Employer did not hire you at that time because you preferred a welder position and it appeared to the Employer that you were otherwise not interested in a laborer position. Although, you submitted another application in 2014, the Employer is still only hiring for the labor pool. Since the Employer previously screened you out of the hiring process because of your perceived preference to be hired as a welder, the Employer did not offer you an interview, or a position. We note that there is insufficient evidence that the Employer re-hired any former employees after the Employer screened them out of the initial application process. Although you provided evidence of arguable animus to support your allegation that the Employer would "intentionally" not hire you in the future because you had filed prior unfair labor practice charges, we note that this alleged animus is remote in time. Furthermore, the evidence indicated that Employer did not offer you a position for almost two years before you filed your first unfair labor practice charge. Therefore, we could not conclude

that there is a credible connection between the alleged animus and the Employer's failure to hire you.

Sincerely,

Richard F. Griffin, Jr.  
General Counsel

By:



---

Deborah M.P. Yaffe, Director  
Office of Appeals

cc: GARY W. MUFFLEY  
REGIONAL DIRECTOR  
NATIONAL LABOR RELATIONS  
BOARD  
550 MAIN ST RM 3003  
CINCINNATI, OH 45202-3271

JOHN H. SCHEEL  
CHIEF EXECUTIVE OFFICER  
KES ACQUISITION COMPANY  
PO BOX 2119  
ASHLAND, KY 41105-2119

DONALD A. KEFFER, CONSULTANT  
3325 BABSON CT  
FRANKLIN, OH 45005-9678

mjb

FORM NLRB-501

FORM EXEMPT UNDER 44 U.S.C. 3512

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
**CHARGE AGAINST EMPLOYER**

DO NOT WRITE IN THIS SPACE	
Case 09-CA-132270	Date Filed July 7, 2014

**INSTRUCTIONS**

File an original and 4 copies of this charge with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT		
a. Name of Employer Kentucky Electric Steel	b. Number of workers employed 118	
c. Address (street, city, state, ZIP code) 2704 South Big Run Rd. Ashland Ky. 41105-2119	d. Employer Representative John Schuel and Don Keffer	e. Telephone and Fax Nos. 606-929-1272 fax-606-929-1261
f. Type of Establishment (factory, mine, wholesaler, etc.) steel mill	g. Identify principal product or service flat bar and round rods	
h. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (5) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act.		
<p>2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)</p> <p>Since on or about June 30, 2014 the Employer has refused to provide pertinent and relevant information pursuant to a written request for information dated May 26, 2014.</p> <p>Additionally, the Employer has unilaterally implemented a change in the stop loss insurance amount absent the consent of the Union which has a direct impact on the benefit bargained during the 2012 contract negotiations pertaining to the Memorandum of Agreement (Appendix I) of the parties current Collective Bargaining Agreement.</p>		
<p>3. Full name of party filing charge (if labor organization, give full name, including local name and number)</p> <p>United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL-CIO-CLC</p>		
4a. Address (street and number, city, state and ZIP code) Suite B, 85 C. Michael Davenport Blvd. Frankfort, KY 40601	4b. Telephone and Fax Nos. (502) 875-3332 (502) 875-2917 Fax	
<p>5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization).</p> <p>United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL-CIO-CLC</p>		
<p>8. DECLARATION</p> <p>I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.</p> <p>By: (b) (6), (b) (7)(C)</p> <p>Title: (b) (6), (b) (7)(C)</p>		
Address Suite B, 85 C. Michael Davenport Blvd. Frankfort, KY 40601	Telephone No. (502) 875-3332	Date 7/7/14

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT  
(U.S. CODE, TITLE 18, SECTION 1001)



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 9  
550 MAIN ST  
RM 3003  
CINCINNATI, OH 45202-3271

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (513) 684-3686  
Fax: (513) 684-3946



Download  
NLRB  
Mobile App

July 8, 2014

Kentucky Electric Steel Acquisition Company  
2704 S Big Run Rd W  
Ashland, KY 41102-9658

Re: Kentucky Electric Steel  
Case 09-CA-132270

Dear Sir or Madam:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge is being investigated by Field Attorney NAIMA R. CLARKE whose telephone number is (513) 684-3647. If this Board agent is not available, you may contact Supervisory Attorney ERIC A. TAYLOR whose telephone number is (513) 684-3659.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, [www.nlr.gov](http://www.nlr.gov), or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

**Presentation of Your Evidence:** We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be

considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

**Procedures:** We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website, [www.nlr.gov](http://www.nlr.gov). However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, [www.nlr.gov](http://www.nlr.gov) or from an NLRB office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, reading "Gary W. Muffley". The signature is written in a cursive, flowing style.

Gary W. Muffley  
Regional Director

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 9  
550 MAIN ST  
RM 3003  
CINCINNATI, OH 45202-3271

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (513)684-3686  
Fax: (513)684-3946



Download  
NLRB  
Mobile App

July 8, 2014

UNITED STEEL, PAPER & FORESTRY, RUBBER, MANUFACTURING, ENERGY,  
ALLIED & SERVICE WORKERS INT. UNION  
85 C. MICHAEL DAVENPORT BLVD.  
STE B  
FRANKFORT, KY 40601-4479

Re: Kentucky Electric Steel  
Case 09-CA-132270

Dear Sir or Madam:

The charge that you filed in this case on July 07, 2014 has been docketed as case number 09-CA-132270. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge is being investigated by Field Attorney NAIMA R. CLARKE whose telephone number is (513) 684-3647. If this Board agent is not available, you may contact Supervisory Attorney ERIC A. TAYLOR whose telephone number is (513) 684-3659.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, [www.nlr.gov](http://www.nlr.gov), or at the Regional office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

**Your Evidence:** As the party who filed the charge in this case, it is your responsibility to promptly provide evidence in this matter. Enclosed is a questionnaire concerning your charge. Please answer each of the questions as completely as possible. If adequate space is not provided, you may attach additional pages. Please remember to enclose documents requested in the questionnaire. If you have any questions about the questionnaire or how to fill it out, please immediately contact the Board agent assigned to investigate your case.

Because your prompt cooperation in this investigation is required, you must return the completed questionnaire and your supporting documents no later than July 15, 2014. Absent

very good reasons for not returning the questionnaire and documents by that date, your charge is subject to dismissal for lack of cooperation.

After receiving your questionnaire, the Board agent may contact you about providing a sworn affidavit or additional documents or witnesses.

**Procedures:** We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website [www.nlr.gov](http://www.nlr.gov). However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website [www.nlr.gov](http://www.nlr.gov) or from the Regional Office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink that reads "Gary W. Muffley". The signature is written in a cursive, flowing style.

Gary W. Muffley  
Regional Director



NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

Kentucky Electric Steel
and
United Steel Workers

CASE 09 - CA - 132270

☒ REGIONAL DIRECTOR

☐ EXECUTIVE SECRETARY  
NATIONAL LABOR RELATIONS BOARD  
Washington, DC 20570

☐ GENERAL COUNSEL  
NATIONAL LABOR RELATIONS BOARD  
Washington, DC 20570

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF \_\_\_\_\_  
Charged Party, Kentucky Electric Steel


IN THE ABOVE-CAPTIONED MATTER.

CHECK THE APPROPRIATE BOX(ES) BELOW:

☒ REPRESENTATIVE IS AN ATTORNEY

☒ IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE THAT THE PARTY MAY RECEIVE COPIES OF CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN ADDITION TO THOSE DESCRIBED BELOW, THIS BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY WILL RECEIVE ONLY COPIES OF CERTAIN DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENTS AS DESCRIBED IN SEC. 11842.3 OF THE CASEHANDLING MANUAL.

(REPRESENTATIVE INFORMATION)

NAME:	Scott A. Faust		
MAILING ADDRESS:	Proskauer Rose LLP		
	One International Place, Boston, MA 02110		
E-MAIL ADDRESS:	Sfaust@proskauer.com		
OFFICE TELEPHONE NUMBER:	617-526-9650		
CELL PHONE NUMBER:	617-899-3510	FAX:	617-526-9899
SIGNATURE:			
	(Please sign in ink.)		
DATE:	July 18, 2014		

<sup>1</sup> IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 9  
550 MAIN ST  
RM 3003  
CINCINNATI, OH 45202-3271

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (513)684-3686  
Fax: (513)684-3946

August 29, 2014

SCOTT A. FAUST, ATTORNEY AT LAW  
PROSKAUER ROSE LLP  
ONE INTERNATIONAL PLAZA  
BOSTON, MA 02110-2607

Re: KENTUCKY ELECTRIC STEEL  
Case 09-CA-132270

Dear Mr. Faust:

The Charging Party has asked to withdraw the above charge based upon a private agreement between the parties. I have approved this request, conditioned on the performance of the undertakings in that private agreement.

The charge is subject to reinstatement for further processing if the Charging Party requests reinstatement and supports its request with evidence of non-compliance with the undertakings in the private agreement.

Very truly yours,

/s/ Gary W. Muffley

Gary W. Muffley  
Regional Director

cc: (b) (6), (b) (7)(C) - UNITED STEEL, PAPER AND  
FORESTRY, RUBBER, MANUFACTURING, ENERGY, ALLIED INDUSTRIAL  
AND SERVICE WORKERS INTERNATIONAL UNION, AFL-CIO-CLC  
85 C MICHAEL DAVENPORT BLVD, SUITE B - FRANKFORT, KY 40601-4479

JOHN SHEEL - KENTUCKY ELECTRIC STEEL ACQUISITION COMPANY  
2704 S BIG RUN RD W - ASHLAND, KY 41102-9658

INTERNET  
FORM NLRB-501  
(2-08)UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
CHARGE AGAINST EMPLOYER

FORM EXEMPT UNDER 44 U.S.C. 3512

## DO NOT WRITE IN THIS SPACE

Case

09-CA-156730

Date Filed

July 23, 2015

## INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

## 1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer Kentucky Electric Steel -KES Acquisition company		b. Tel. No. (606) 929- 1200
		c. Cell No.
		f. Fax No.
d. Address (Street, city, state, and ZIP code) KES ACQUISITION 2704 S. BIG RUN ROAD P.O. BOX 2119 ASHLAND, KY 41105-2119	e. Employer Representative Rick Bitz	g. e-Mail
		h. Number of workers employed Approximately 100
i. Type of Establishment (factory, mine, wholesaler, etc.) Steel Mill	j. Identify principal product or service Rolled flats . and rounds	
k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) _____ of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.		
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)  Refuses to follow contract agreement- Abusive to employees and supervision- Refuses to honor agreements made with union- Employees are quitting- One union employee was fired- Several company people fired and have quit- (b) (6), (b) (7)(C) has created a very abusive and hostile work environment.		
3. Full name of party filing charge (if labor organization, give full name, including local name and number) United Steel Workers Of America, Local 7054, Unit 0		
4a. Address (Street and number, city, state, and ZIP code) (b) (6), (b) (7)(C)		4b. Tel. No. (b) (6), (b) (7)(C)
		4c. Cell No. (b) (6), (b) (7)(C)
		4d. Fax No.
		4e. e-Mail (b) (6), (b) (7)(C)
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization) UNITED STEEL, PAPER AND FORESTRY, RUBBER, MANUFACTURING, ENERGY, ALLIED INDUSTRIAL AND SERVICE WORKERS INTERNATIONAL UNION		
6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.		Tel. No. (b) (6), (b) (7)(C)
By (b) (6), (b) (7)(C) (Signature of representative of party making charge)	(b) (6), (b) (7)(C) (Print/type name and title or office, if any)	Office, if any, Cell No. (b) (6), (b) (7)(C)
		Fax No.
Address (b) (6), (b) (7)(C)		e-Mail (b) (6), (b) (7)(C)
		7/23/2015 (date)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

## PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 9  
550 MAIN ST  
RM 3003  
CINCINNATI, OH 45202-3271

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (513) 684-3686  
Fax: (513) 684-3946



Download  
NLRB  
Mobile App

July 27, 2015

Rick Bitz  
Kentucky Electric Steel - KES Acquisition Company  
2704 S. Big Run Road  
P.O. Box 2119  
Ashland, KY 41105-2119

Re: KENTUCKY ELECTRIC STEEL - KES  
ACQUISITION COMPANY  
Case 09-CA-156730

Dear Mr. Bitz:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge is being investigated by Field Examiner ERIC J. KELLY whose telephone number is (513) 684-3623. If this Board agent is not available, you may contact Supervisory Examiner PATRICIA A. ENZWEILER whose telephone number is (513) 684-3769.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, [www.nlr.gov](http://www.nlr.gov), or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

**Presentation of Your Evidence:** We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

July 27, 2015

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

**Procedures:** We strongly urge everyone to submit all documents and other materials by E-Filing (not e-mailing) through our website, [www.nlr.gov](http://www.nlr.gov). However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, [www.nlr.gov](http://www.nlr.gov) or from an NLRB office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, appearing to read "Garey Edward Lindsay". The signature is fluid and cursive, with the first name "Garey" being the most prominent.

Garey Edward Lindsay  
Regional Director

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 9  
550 MAIN ST  
RM 3003  
CINCINNATI, OH 45202-3271

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (513) 684-3686  
Fax: (513) 684-3946



Download  
NLRB  
Mobile App

July 27, 2015

(b) (6), (b) (7)(C)

United Steel, Paper & Forestry, Rubber,  
Manufacturing, Energy, Allied Industrial and  
Service Workers International Union,  
Local 7054, Unit 0

(b) (6), (b) (7)(C)

Re: KENTUCKY ELECTRIC STEEL - KES  
ACQUISITION COMPANY  
Case 09-CA-156730

Dear (b) (6), (b) (7)(C)

The charge that you filed in this case on July 23, 2015 has been docketed as case number 09-CA-156730. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge is being investigated by Field Examiner ERIC J. KELLY whose telephone number is (513) 684-3623. If this Board agent is not available, you may contact Supervisory Examiner PATRICIA A. ENZWEILER whose telephone number is (513) 684-3769.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, [www.nlr.gov](http://www.nlr.gov), or at the Regional office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

**Presentation of Your Evidence:** As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board

July 27, 2015

agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

**Procedures:** We strongly urge everyone to submit all documents and other materials by E-Filing (not e-mailing) through our website [www.nlr.gov](http://www.nlr.gov). However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website [www.nlr.gov](http://www.nlr.gov) or from the Regional Office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Garey Edward Lindsay". The signature is fluid and cursive, with the first name "Garey" being more prominent and stylized.

Garey Edward Lindsay  
Regional Director



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 9  
550 MAIN ST  
RM 3003  
CINCINNATI, OH 45202-3271

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (513)684-3686  
Fax: (513)684-3946

September 17, 2015

DAVID J. PRYBYLSKI, ATTORNEY AT LAW  
BARNES & THORNBURG LLP  
11 S MERIDIAN ST  
INDIANAPOLIS, IN 46204-3506

(b) (6), (b) (7)(C)

UNITED STEEL, PAPER & FORESTRY, RUBBER,  
MANUFACTURING, ENERGY, ALLIED INDUSTRIAL  
AND SERVICE WORKERS INTERNATIONAL UNION,  
LOCAL 7054, UNIT 1

(b) (6), (b) (7)(C)

Re: KENTUCKY ELECTRIC STEEL - KES  
ACQUISITION COMPANY  
Case 09-CA-156730

Dear Mr. Prybylski and (b) (6), (b) (7)(C)

The Region has carefully considered the charge alleging that KES ACQUISITION COMPANY D/B/A KENTUCKY ELECTRIC STEEL violated the National Labor Relations Act. As explained below, I have decided that further proceedings on the charge should be handled in accordance with the deferral policy of the National Labor Relations Board as set forth in *Collyer Insulated Wire*, 192 NLRB 837 (1971), and *United Technologies Corp.*, 268 NLRB 557 (1984). This letter explains that deferral policy, the reasons for my decision to defer further processing of the charge, and the Charging Party's right to appeal my decision.

**Deferral Policy:** The Board's deferral policy provides that the Board will postpone making a final determination on a charge when a grievance involving the same issue can be processed under the grievance/arbitration provision of the applicable contract. This policy is partially based on the preference that the parties use their contractual grievance procedure to achieve a prompt, fair, and effective settlement of their disputes. Therefore, if an employer agrees to waive contractual time limits and process the related grievance through arbitration if necessary, the Board's Regional Office will defer the charge.

**Decision to Defer:** Based on our investigation, I am deferring further proceedings on the charge in this matter to the grievance/arbitration process for the following reasons:

1. The Employer and UNITED STEEL, PAPER & FORESTRY, RUBBER, MANUFACTURING, ENERGY, ALLIED INDUSTRIAL AND SERVICE WORKERS



INTERNATIONAL UNION, LOCAL 7054, UNIT 1 have a collective-bargaining agreement currently in effect that provides for final and binding arbitration.

2. The discharge of (b) (6), (b) (7)(C) because of (b) (6) union activities and unilaterally forcing and threatening employees with discipline to work job assignments contrary to the terms of the collective-bargaining agreement as alleged in the charge is encompassed by the terms of the collective-bargaining agreement and/or the parties have agreed to authorize the arbitrator to decide the statutory issue.

3. The Employer is willing to process a grievance concerning the issues in the charge, and will arbitrate the grievance if necessary. The Employer has also agreed to waive any time limitations in order to ensure that the arbitrator addresses the merits of the dispute.

4. Since the issues in the charge appear to be covered by provisions of the collective-bargaining agreement, it is likely that the issues may be resolved through the grievance/arbitration procedure.

**Further Processing of the Charge:** As explained below, while the charge is deferred, the Regional office will monitor the processing of the grievance and, under certain circumstances, will resume processing of the charge.

*Charging Party's Obligation:* Under the Board's *Collyer* deferral policy, the Charging Party has an affirmative obligation to file a grievance, if a grievance has not already been filed. If the Charging Party fails either to promptly submit the grievance to the grievance/arbitration process or declines to have the grievance arbitrated if it is not resolved, I may dismiss the charge.

*Charged Party's Conduct:* If the Charged Party prevents or impedes resolution of the grievance, raises a defense that the grievance is untimely filed, or refuses to arbitrate the grievance, I will revoke deferral and resume processing of the charge.

*Monitoring the Dispute:* Approximately every 90 days, the Regional Office will ask the parties about the status of this dispute to determine if the dispute has been resolved and if continued deferral is appropriate. However, at any time, a party may present evidence and request dismissal of the charge, continued deferral of the charge, or issuance of a complaint.

*Notice to Arbitrator Form:* If the grievance is submitted to an arbitrator, please sign and submit to the arbitrator the enclosed "Notice to Arbitrator" form to ensure that the Region receives a copy of an arbitration award when the arbitrator sends the award to the parties.

*Review of Arbitrator's Award:* If the grievance is arbitrated, the Charging Party may ask the Board to review the arbitrator's award. The request must be in writing and addressed to me. Because the parties have explicitly authorized the arbitrator to decide

the statutory issue in this case, the Board's deferral standards applicable in this case are those set forth in *Babcock & Wilcox Construction Co.*, 361 NLRB No. 132 (2014), which is available on our website, [www.nlr.gov](http://www.nlr.gov). Any request for review of an arbitrator's award should analyze (1) whether the parties explicitly authorized the arbitrator to decide the statutory issue; (2) whether the arbitrator was presented with and considered the statutory issue, or was prevented from doing so by the party opposing deferral; and (3) whether Board law reasonably permits the award. The party urging deferral has the burden to prove these standards are met.

*Review of Grievance Settlement:* If the grievance is settled, the Charging Party may ask the Board to review the grievance settlement. The Board's deferral standards applicable to any grievance settlement in this case are also set forth in *Babcock & Wilcox Construction Co.*, 361 NLRB No. 132 (2014). Any request for review of a grievance settlement should analyze (1) whether the parties intended to settle the unfair labor practice issue; (2) whether the parties addressed the statutory issue in the settlement; and (3) whether Board law reasonably permits the grievance settlement agreement. The party urging deferral has the burden to prove these standards are met. In assessing whether to defer to the settlement, I will also consider the factors identified by the Board in *Independent Stave Co.*, 287 NLRB 740, 743 (1987).

**Charging Party's Right to Appeal:** The Charging Party may appeal my decision to defer this charge by filing an appeal with the General Counsel of the National Labor Relations Board, through the Office of Appeals. An appeal may be filed by submitting the enclosed Appeal Form (form NLRB-4767), which is also available at [www.nlr.gov](http://www.nlr.gov). However, we encourage the Charging Party to submit a complete statement setting forth the facts and reasons why the decision to defer the charge is incorrect.

*Means of Filing:* An appeal may be filed electronically, by mail, by delivery service, or hand-delivered. Filing an appeal electronically is preferred but not required. The appeal MAY NOT be filed by fax or email. To file an appeal electronically, go to the Agency's website at [www.nlr.gov](http://www.nlr.gov), click on **E-File Documents**, enter the **NLRB Case Number**, and follow the detailed instructions. To file an appeal by mail or delivery service, address the appeal to the **General Counsel at the National Labor Relations Board, Attn: Office of Appeals, 1015 Half Street SE, Washington, DC 20570-0001**. Unless filed electronically, a copy of the appeal should also be sent to me.

*Appeal Due Date and Time:* The appeal is due on October 1, 2015. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed **no later than 11:59 p.m. Eastern Time** on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than September 30, 2015. **If an appeal is postmarked or given to a delivery service on the due date, it will be rejected as untimely.** If hand delivered, an appeal must be received by the General Counsel in

September 17, 2015

Washington D.C. by 5:00 p.m. Eastern Time on the appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

*Extension of Time to File Appeal:* The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is **received on or before** October 1, 2015. The request may be filed electronically through the ***E-File Documents*** link on our website [www.nlr.gov](http://www.nlr.gov), by fax to (202)273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after October 1, 2015, **even if it is postmarked or given to the delivery service before the due date**. Unless filed electronically, a copy of the extension of time should also be sent to me.

*Confidentiality:* We will not honor any claim of confidentiality or privilege or any limitations on our use of appeal statements or supporting evidence beyond those prescribed by the Federal Records Act and the Freedom of Information Act (FOIA). Thus, we may disclose an appeal statement to a party upon request during the processing of the appeal. If the appeal is successful, any statement or material submitted with the appeal may be introduced as evidence at a hearing before an administrative law judge. Because the Federal Records Act requires us to keep copies of case handling documents for some years after a case closes, we may be required by the FOIA to disclose those documents absent an applicable exemption such as those that protect confidential sources, commercial/financial information, or personal privacy interests.

Very truly yours,

/s/ Garey E. Lindsay

Garey Edward Lindsay  
Regional Director

Enclosures

cc: RICK BITZ, PLANT MANAGER  
KES ACQUISITION COMPANY D/B/A  
KENTUCKY ELECTRIC STEEL  
2704 S BIG RUN RD  
P.O. BOX 2119  
ASHLAND, KY 41105-2119

FIRST  
AMENDEDUNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE

Case

Date Filed

09-CA-156730

August 5, 2015

## INSTRUCTIONS

File an original and 4 copies of this charge with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

## 1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer <b>KENTUCKY ELECTRIC STEEL - KES ACQUISITION COMPANY</b>		b. Number of workers employed <b>APPROXIMATELY 100</b>
c. Address (street, city, state, ZIP code) <b>KES ACQUISITION 2704 S. BIG RUN - ROAD P.O. Box 2119 ASHLAND, KY 41005-2119</b>	d. Employer Representative <b>RICK BITZ, PLANT MANAGER</b>	e. Telephone No. <b>(606) 929-1200</b> Fax No. X
f. Type of Establishment (factory, mine, wholesaler, etc.) <b>STEEL MILL</b>	g. Identify principal product or service <b>ROLLED FLATS &amp; ROLLS</b>	
h. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (2) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act, or these unfair labor practices affecting commerce within the meaning of the Act and the Postal Reorganization Act. <b>(3) AND (5)</b>		

## 2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

SINCE ON OR ABOUT MARCH 2015, THE ABOVE-NAMED EMPLOYER HAS VIOLATED THE CONTRACT BY FORCING EMPLOYEES TO WORK JOB ASSIGNMENTS DESPITE AN EMPLOYEE'S RIGHT TO REFUSE UNDER ARTICLE XX.

ALSO, ON **(b) (6), (b) (7)(C)** 2015, THE ABOVE-NAMED EMPLOYER, BY **(b) (6), (b) (7)(C)** TERMINATED **(b) (6), (b) (7)(C)** IN RETALIATION FOR **(b) (6), (b) (7)(C)** PROTECTED UNION ACTIVITIES AND COMPLAINTS.

FURTHER, SINCE ON OR ABOUT **(b) (6), (b) (7)(C)** 2015, **(b) (6), (b) (7)(C)** HAS CREATED A VERY ABUSIVE AND HOSTILE WORK ENVIRONMENT.

## 3. Full Name of party filing charge (if labor organization, give full name, including local name and number)

**UNITED STEEL WORKERS OF AMERICA, LOCAL 7054, UNIT #1**

## 4a. Address (street and number, city, state and ZIP code)

**(b) (6), (b) (7)(C)**

## 4b. Telephone No.

**(b) (6), (b) (7)(C)**

**(b) (6), (b) (7)(C)**  
Fax No. X **70616**

## 5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

**UNITED STEEL, PAPER AND FORESTRY, RUBBER, MANUFACTURING, ENERGY, ALLIED INDUSTRIAL AND SERVICE WORKERS INTERNATIONAL UNION**

## 6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

By **(b) (6), (b) (7)(C)** Title **(b) (6), (b) (7)(C)**  
Signature of representative or person making charge  
Address **(b) (6), (b) (7)(C)** Fax No. \_\_\_\_\_  
**(b) (6), (b) (7)(C)** Telephone No. \_\_\_\_\_ Date **8-4-15**

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

## PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. §151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 9  
550 MAIN ST  
RM 3003  
CINCINNATI, OH 45202-3271

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (513) 684-3686  
Fax: (513) 684-3946



Download  
NLRB  
Mobile App

Rick Bitz, Plant Manager  
Kentucky Electric Steel - KES Acquisition Company  
2704 S. Big Run Road  
P.O. Box 2119  
Ashland, KY 41105-2119

Re: KENTUCKY ELECTRIC STEEL - KES  
ACQUISITION COMPANY  
Case 09-CA-156730

Dear Mr. Bitz:

Enclosed is a copy of the first amended charge that has been filed in this case.

**Investigator:** This charge is being investigated by Field Examiner ERIC J. KELLY whose telephone number is (513) 684-3623. If the agent is not available, you may contact Supervisory Examiner PATRICIA A. ENZWEILER whose telephone number is (513) 684-3769.

**Presentation of Your Evidence:** As you know, we seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations in the first amended charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

**Procedures:** Your right to representation, the means of presenting evidence, and a description of our procedures, including how to submit documents, was described in the letter sent to you with the original charge in this matter. If you have any questions, please contact the Board agent.

Very truly yours,

Garey Edward Lindsay  
Regional Director

Enclosure: Copy of first amended charge



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 9  
550 MAIN ST  
RM 3003  
CINCINNATI, OH 45202-3271

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (513) 684-3686  
Fax: (513) 684-3946



Download  
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August 6, 2015

(b) (6), (b) (7)(C)

United Steel, Paper & Forestry, Rubber,  
Manufacturing, Energy, Allied Industrial &  
Service Workers International Union,  
Local 7054, Unit 1

(b) (6), (b) (7)(C)

Re: KENTUCKY ELECTRIC STEEL - KES  
ACQUISITION COMPANY  
Case 09-CA-156730

Dear (b) (6), (b) (7)(C):

We have docketed the first amended charge that you filed in this case.

**Investigator:** This charge is being investigated by Field Examiner ERIC J. KELLY whose telephone number is (513) 684-3623. If the agent is not available, you may contact Supervisory Examiner PATRICIA A. ENZWEILER whose telephone number is (513) 684-3769.

**Presentation of Your Evidence:** As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. If you have additional evidence regarding the allegations in the first amended charge and you have not yet scheduled a date and time for the Board agent to obtain that evidence, please contact the Board agent to arrange to present that evidence. If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed.

**Procedures:** Your right to representation, the means of presenting evidence, and a description of our procedures, including how to submit documents, was described in the letter sent to you with the original charge in this matter. If you have any questions, please contact the Board agent.

Very truly yours,

Garey Edward Lindsay  
Regional Director

NATIONAL LABOR RELATIONS BOARD  
**NOTICE OF APPEARANCE**

United Steel Workers of America, Local 7054, Unit 0,  
  
Charging Party,  
  
and  
  
Kentucky Electric Steel (KES Acquisition),  
  
Employer.

CASE NO. 09-CA-156730

☒ REGIONAL DIRECTOR      ☐ EXECUTIVE SECRETARY      ☐ GENERAL COUNSEL  
NATIONAL LABOR RELATIONS BOARD      NATIONAL LABOR RELATIONS BOARD  
WASHINGTON, D.C. 20570      WASHINGTON, D.C. 20570

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF **Kentucky Electric Steel (KES Acquisition)** IN THE ABOVE-CAPTIONED MATTER.

CHECK THE APPROPRIATE BOX(ES) BELOW:

☒ REPRESENTATIVE IS AN ATTORNEY

☐ IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE THAT THE PARTY MAY RECEIVE COPIES OF CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN ADDITION TO THOSE DESCRIBED BELOW, THIS BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY WILL RECEIVE ONLY COPIES OF CERTAIN DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENTS DESCRIBED IN SEC. 11842.3 OF THE CASE-HANDLING MANUAL.

(REPRESENTATIVE INFORMATION)

NAME: David J. Pryzbyski.  
MAILING ADDRESS: BARNES & THORNBURG LLP  
11 South Meridian Street  
Indianapolis, Indiana 46204  
E-MAIL ADDRESS: dpryzbyski@btlaw.com  
OFFICE TELEPHONE NUMBER: (317) 231-6464  
CELL PHONE NUMBER: \_\_\_\_\_ FAX: (317) 231-7433  
SIGNATURE: /s/ David J. Pryzbyski  
DATE: August 6, 2015



Eric Kelly

Form NLRB - 501 2-091

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
**SECOND AMENDED CHARGE AGAINST EMPLOYER**  
INSTRUCTION:

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
09-CA-156730	October 1, 2015

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring.

## 1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer <b>KES ACQUISITION COMPANY (W/B/A KENTUCKY ELECTRIC STEEL</b>	b. Tel. No. <b>(605) 929-1200</b>
d. Address (street, city, state, ZIP code) <b>2704 S. BURGESS RUN ROAD P.O. Box 119 Ashland, KY 41105-2119</b>	c. Cell No.
e. Employer Representative <b>ROCK BITZ Plant Manager</b>	f. Fax No.
i. Type of Establishment (factory, nursing home, hotel) <b>STEEL MILL</b>	g. e-Mail
j. Principal Product or Service <b>ROLLED FLATS AND ROUNDS</b>	h. Districts Location (City and State) <b>ASHLAND, KY</b>
	k. Number of workers at dispute location <b>110</b>

1. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (3), (5) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

SINCE ON OR ABOUT MARCH 2015, THE ABOVE-NAMED EMPLOYER HAS VIOLATED THE CONTRACT BY FORCING EMPLOYEES TO WORK JOB ASSIGNMENTS DESPITE AN EMPLOYEES RIGHT TO REFUSE UNDER ARTICLE XX, AND THE EMPLOYER IS VIOLATING ARTICLES XIII BY ASSIGNING EMPLOYEES TO COMPLETE WORK THAT THEY ARE NOT QUALIFIED FOR.

ALSO, ON (b) (6), (b) (7)(C) 2015, THE ABOVE-NAMED EMPLOYER, BY (b) (6), (b) (7)(C) TERMINATED (b) (6), (b) (7)(C) IN RETALIATION FOR (b) (6), (b) (7)(C) PROTECTED UNION ACTIVITIES AND COMPLAINTS.

ON OR ABOUT JULY 17, 2015, (b) (6), (b) (7)(C) THREATENED TO FIRE EMPLOYEES FOR INVOKING THEIR CONTRACTUAL RIGHTS UNDER ARTICLE XX.

FURTHER SINCE ON OR ABOUT (b) (6), (b) (7)(C) 2015, (b) (6), (b) (7)(C) HAS CREATED A VERY ABUSIVE AND HOSTILE WORK ENVIRONMENT.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)  
**UNITED STEEL, PAPER & FORESTRY, RUBBER, MANUFACTURING, ENERGY, ALLIED INDUSTRIAL AND SERVICE WORKERS INTERNATIONAL UNION, LOCAL 7054, UNIT 1**

4a. Address (street and number, city, state, and ZIP code)

(b) (6), (b) (7)(C)

4b. Tel. No.  
**(b) (6), (b) (7)(C)**

4c. Cell No.

4d. Fax No.  
**(b) (6), (b) (7)(C)**

4e. e-Mail  
**(b) (6), (b) (7)(C)**

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

7. Signature  
**(b) (6), (b) (7)(C)**

By: **(b) (6), (b) (7)(C)**

Office, if any, Cell No.

(signature of representative of person filing charge)

Print Name and Title

8. Signature  
**(b) (6), (b) (7)(C)**

Address: **(b) (6), (b) (7)(C)**  
**(b) (6), (b) (7)(C)**

Date:

9. Signature  
**(b) (6), (b) (7)(C)**

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

Solicitation of information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 14912-43 (Dec. 3, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.





UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 9  
550 MAIN ST  
RM 3003  
CINCINNATI, OH 45202-3271

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
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Fax: (513) 684-3946



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October 2, 2015

Rick Bitz, Plant Manager  
KES Acquisition Company d/b/a  
Kentucky Electric Steel  
2704 S Big Run Rd  
P.O. Box 2119  
Ashland, KY 41105-2119

Re: KENTUCKY ELECTRIC STEEL - KES  
ACQUISITION COMPANY  
Case 09-CA-156730

Dear Mr. Bitz:

Enclosed is a copy of the second amended charge that has been filed in this case.

**Investigator:** This charge is being investigated by Field Examiner ERIC J. KELLY whose telephone number is (513) 684-3623. If the agent is not available, you may contact Supervisory Examiner PATRICIA A. ENZWEILER whose telephone number is (513) 684-3769.

**Presentation of Your Evidence:** As you know, we seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations in the second amended charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

**Procedures:** Your right to representation, the means of presenting evidence, and a description of our procedures, including how to submit documents, was described in the letter sent to you with the original charge in this matter. If you have any questions, please contact the Board agent.

Very truly yours,

Garey Edward Lindsay  
Regional Director

Enclosure: Copy of second amended charge

cc: David J. Prybylski, Attorney at Law, Barnes & Thornburg LLP  
11 S Meridian St, Indianapolis, IN 46204-3506



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October 2, 2015

(b) (6), (b) (7)(C)

United Steel, Paper & Forestry, Rubber,  
Manufacturing, Energy, Allied Industrial and  
Service Workers International Union,  
Local 7054, Unit 1

(b) (6), (b) (7)(C)

Re: KENTUCKY ELECTRIC STEEL - KES  
ACQUISITION COMPANY  
Case 09-CA-156730

Dear (b) (6), (b) (7)(C):

We have docketed the second amended charge that you filed in this case.

**Investigator:** This charge is being investigated by Field Examiner ERIC J. KELLY whose telephone number is (513) 684-3623. If the agent is not available, you may contact Supervisory Examiner PATRICIA A. ENZWEILER whose telephone number is (513) 684-3769.

**Presentation of Your Evidence:** As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. If you have additional evidence regarding the allegations in the second amended charge and you have not yet scheduled a date and time for the Board agent to obtain that evidence, please contact the Board agent to arrange to present that evidence. If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed.

**Procedures:** Your right to representation, the means of presenting evidence, and a description of our procedures, including how to submit documents, was described in the letter sent to you with the original charge in this matter. If you have any questions, please contact the Board agent.

Very truly yours,

Garey Edward Lindsay  
Regional Director



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Telephone: (513)684-3686  
Fax: (513)684-3946

March 8, 2016

DAVID J. PRYZBYLSKI, ATTORNEY AT LAW  
BARNES & THORNBURG LLP  
11 S MERIDIAN ST  
INDIANAPOLIS, IN 46204-3535

Re: KENTUCKY ELECTRIC STEEL - KES  
ACQUISITION COMPANY  
Case 09-CA-156730

Dear Mr. Pryzbylski:

This is to advise that I have approved the withdrawal of the Section 8(a)(3) portion of the charge. All other portions of the charge remain in deferral status.

Very truly yours,

Garey Edward Lindsay  
Regional Director

cc: RICK BITZ, PLANT MANAGER  
KES ACQUISITION COMPANY D/B/A KENTUCKY  
ELECTRIC STEEL  
2704 S BIG RUN RD  
P.O. BOX 2119  
ASHLAND, KY 41105-2119

(b) (6), (b) (7)(C)

UNITED STEEL, PAPER & FORESTRY, RUBBER,  
MANUFACTURING, ENERGY, ALLIED INDUSTRIAL  
AND SERVICE WORKERS INTERNATIONAL UNION,  
LOCAL 7054, UNIT 1

(b) (6), (b) (7)(C)



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Telephone: (513)684-3686  
Fax: (513)684-3946

April 7, 2017

David J. Pryzbylski, Attorney  
Barnes & Thornburg, LLP  
11 S. Meridian St.  
Indianapolis, IN 46204-3535

Re: KENTUCKY ELECTRIC STEEL - KES  
ACQUISITION COMPANY  
Case 09-CA-156730

Dear Mr. Pryzbylski:

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

Garey Edward Lindsay  
Regional Director

cc: Rick Bitz, Plant Manager  
Kes Acquisition Company d/b/a Kentucky  
Electric Steel  
2704 S Big Run Rd  
P.O. Box 2119  
Ashland, KY 41105-2119

(b) (6), (b) (7)(C)

United Steel, Paper & Forestry, Rubber,  
Manufacturing, Energy, Allied Industrial  
And Service Workers International Union,  
Local 7054, Unit 1

(b) (6), (b) (7)(C)

INTERNET  
FORM NLRB-501  
(2-08)UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
CHARGE AGAINST EMPLOYER**DO NOT WRITE IN THIS SPACE**Case  
09-CA-165635Date Filed  
December 08, 2015**INSTRUCTIONS:**

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

**1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT**

a. Name of Employer Kentucky Electric Steel		b. Tel. No. (606) 929-1275
		c. Cell No.
		f. Fax No.
d. Address (Street, city, state, and ZIP code) P.O. Box 2119 Ashland KY 41105	e. Employer Representative Sheri Bradshaw Mgr.Accounting Dept.	g. e-Mail sbradshaw@kentuckyelectricsteel.com
		h. Number of workers employed 120
i. Type of Establishment (factory, mine, wholesaler, etc.) Iron & Steel	j. Identify principal product or service Steel flatbars	

k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) 3 of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

**2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)**

Within the previous six months, the Employer discriminated against the Charging Party and other employees because they joined or supported a labor organization and in order to discourage union activities or membership.

See Attached Page 2 for additional Basis of Charge description

**3. Full name of party filing charge (if labor organization, give full name, including local name and number)**

(b) (6), (b) (7)(C)

Title:

**4a. Address (Street and number, city, state, and ZIP code)**

(b) (6), (b) (7)(C)

4b. Tel. No.  
(b) (6), (b) (7)(C)4c. Cell No.  
(b) (6), (b) (7)(C)

4d. Fax No.

4e. e-Mail  
(b) (6), (b) (7)(C)**5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)****6. DECLARATION**

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

By (b) (6), (b) (7)(C)

(signature of representative or person making charge)

(b) (6), (b) (7)(C)

Title:  
(Print/type name and title or office, if any)

(b) (6), (b) (7)(C)

Address

12/6/2015 19:22:15  
(date)Tel. No.  
(b) (6), (b) (7)(C)Office, if any, Cell No.  
(b) (6), (b) (7)(C)

Fax No.

e-Mail  
(b) (6), (b) (7)(C)**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)****PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.



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December 9, 2015

Sheri Bradshaw, Mgr.Accounting Dept.  
Kentucky Electric Steel  
P.O. Box 2119  
Ashland, KY 41105

Re: Kentucky Electric Steel  
Case 09-CA-165635

Dear Miss Bradshaw:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge is being investigated by Field Examiner ELISABETH J. MACARONI whose telephone number is (513) 684-3750. If this Board agent is not available, you may contact Supervisory Attorney ERIC A. TAYLOR whose telephone number is (513) 684-3659.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, [www.nlr.gov](http://www.nlr.gov), or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

**Presentation of Your Evidence:** We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent.

December 9, 2015

Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

**Procedures:** We strongly urge everyone to submit all documents and other materials by E-Filing (not e-mailing) through our website, [www.nlr.gov](http://www.nlr.gov). However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, [www.nlr.gov](http://www.nlr.gov) or from an NLRB office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Garey Edward Lindsay". The signature is fluid and cursive, with the first name "Garey" being particularly prominent.

Garey Edward Lindsay  
Regional Director

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

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CINCINNATI, OH 45202-3271

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (513)684-3686  
Fax: (513)684-3946



Download  
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Mobile App

December 9, 2015

(b) (6), (b) (7)(C)

Re: Kentucky Electric Steel  
Case 09-CA-165635

Dear (b) (6), (b) (7)(C)

The charge that you filed in this case on December 08, 2015 has been docketed as case number 09-CA-165635. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge is being investigated by Field Examiner ELISABETH J. MACARONI whose telephone number is (513 ) 684-3750. If this Board agent is not available, you may contact Supervisory Attorney ERIC A. TAYLOR whose telephone number is (513) 684-3659.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, [www.nlrb.gov](http://www.nlrb.gov), or at the Regional office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

**Presentation of Your Evidence:** As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.



December 9, 2015

**Procedures:** We strongly urge everyone to submit all documents and other materials by E-Filing (not e-mailing) through our website [www.nlr.gov](http://www.nlr.gov). However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website [www.nlr.gov](http://www.nlr.gov) or from the Regional Office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, appearing to read "Garey Edward Lindsay". The signature is fluid and cursive, with the first name "Garey" being the most prominent.

Garey Edward Lindsay  
Regional Director



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Fax: (513)684-3946

January 19, 2016

DAVID J. PRYZBYLSKI, ATTORNEY AT LAW  
BARNES & THORNBURG LLP  
11 S MERIDIAN ST  
INDIANAPOLIS, IN 46204-3535

Re: Kentucky Electric Steel  
Case 09-CA-165635

Dear Mr. Pryzbylski:

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

Garey Edward Lindsay  
Regional Director

cc: SHERI BRADSHAW  
MGR.ACCOUNTING DEPT.  
KENTUCKY ELECTRIC STEEL  
P.O. BOX 2119  
ASHLAND, KY 41105

(b) (6), (b) (7)(C)

